

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM SCHEIDLER,

Plaintiff,

v.

JAMER AVERY, et al.,

Defendants.

No. 12-cv-5996-RBL

ORDER

(Dkt. #8, 9, 17, 20)

INTRODUCTION

Plaintiff William Scheidler, appearing *pro se*, alleges violations of numerous criminal statutes, constitutional rights, and common law duties arising out of certain actions by the Board of Tax Appeals, a Kitsap County prosecutor, judge, and the county assessor. (A list can be found in Defendants' Motion to Dismiss, Dkt. 8.) Defendants removed the case and have moved to dismiss Plaintiffs' claims. Plaintiff has moved for remand and requested counsel.

A. Motion to Remand

Given the numerous constitutional claims, the Court has federal question jurisdiction. 28 U.S.C. § 1331. Plaintiff's Motion to Remand (Dkt. #9) is **DENIED**.

B. Motion for Appointment of Counsel

Pursuant to 28 U.S.C. § 1915(e)(1), a court may request an attorney to represent any person unable to afford counsel. Under § 1915, the Court may appoint counsel in exceptional circumstances. *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). To find exceptional circumstances, the court must evaluate the likelihood of success on the merits and the ability of

1 the petitioner to articulate the claims pro se in light of the complexity of the legal issues
2 involved. *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

3 Here, Plaintiff has not established exceptional circumstances.

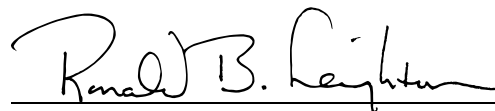
4 **C. Motions to Dismiss**

5 Even construing the Complaint liberally, the Court must conclude that it fails to state a
6 claim upon which relief may be granted. Plaintiff alleges a lengthy list of criminal and
7 constitutional violations, yet provides no intelligible factual explanation of his claims. No
8 Defendant could reasonably answer such a Complaint. Additionally, Plaintiff appears to be
9 suing a Kitsap County Prosecutor, a Judge, and the county Assessor for actions taken in a
10 superior court case. This Court does not sit in review of state court decisions, and the claims are
11 untenable.

12 **CONCLUSION**

13 After review of all pleadings, motions, and supporting documents, the Court **GRANTS**
14 Defendants' motions to dismiss (Dkts. #8, 17). Plaintiff's motions for remand and for
15 appointment of counsel (Dkts. #9, 20) are **DENIED**. Because Plaintiff cannot amend his
16 Complaint to allow this Court to review state court proceedings, leave to amend is **DENIED**.
17 This case is **DISMISSED WITH PREJUDICE**.

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20 Dated this 29th day of January 2013.

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27 Ronald B. Leighton
28 United States District Judge